

Look out for the Legal Symposium Meeting App!
Details will be made available after registering.



TENTATIVE AGENDA

SUNDAY, MARCH 15

6:00 PM - 7:00 PM Registration and Networking Reception

MONDAY, MARCH 16

7:30 AM Registration and Continental Breakfast

8:15 AM Welcoming Remarks

James M. Sgueo, NABCA President & CEO
Dan Noble, Director, Wyoming Liquor Division,
Department of Revenue Chairman; NABCA Chairman

8:30 AM – 9:30 AM A Tennessee Tutorial in the Wake of Thomas

For the first time in over a decade, the Supreme Court heard a 21st Amendment case. However, the case seems to have opened more questions than it answered—as evidenced by the stream of complaints which have been filed in various federal circuits. What is the new standard of review? How much evidence must the State proffer? Is tailoring required in all circumstances? In this session, a panel of litigators will attempt to answer these questions while discussing the potential ramifications of this case on both the three-tier system and the control model.

Moderator: Neal Insley, General Counsel, NABCA
John Neiman, Shareholder, Maynard Cooper Gale
Scott Keller, Partner, Baker Botts
Deborah Skakel, Partner, Blank Rome

9:45 AM – 10:45 AM Exceptions Swallowing the Rule

While the legitimacy of the three-tier system has been affirmed in various cases over the course of decades, the proliferation of exceptions to the traditional structure threatens the entirety of the system. As noted in a recent federal challenge, once a state departs from “the hermetically-sealed three-tier system” it opens itself to attack under the dormant commerce clause. In this session, legal experts will discuss the impact well-intentioned exceptions have had on the integrity of the system by identifying other areas amenable to challenge; methods of providing additional, constitutional support to these areas; and legal theories which lend additional support for states’ rights.

Moderator & Presenter: Mike Madigan, Managing Shareholder, Madigan, Dahl & Harlan
Lolani Lekkas, Compliance Officer, Iowa ABD
Richard Blau, Shareholder, Gray Robinson

11:00 AM – 12:00 PM Trade Wars, Tariffs, and Tied-House

In the global economy, few things are more disruptive than economic protectionism. While the ongoing trade wars highlight the impact of tariffs on supply chains, the purported extraterritoriality of some state, tied-house laws may have a similar, albeit smaller, chilling effect. This is especially true in the areas of prohibited ownership interests and vertical integration. For instance, some state laws preclude a domestic manufacturer from owning an interest in any alcohol, retail outlet worldwide. Similarly, some state laws effectively prohibit a licensee from owning stock in certain publicly traded companies. In this session, legal experts will discuss the potential impact of such laws on constitutional jurisprudence and international trade compliance.

Moderator: Buddy Buckner, Associate Counsel, NABCA
Christine LoCascio, Chief of Public Policy, Distilled Spirits Council of the United States
Bernard Kuiten, Head of External Relations, World Trade Organization

12:00 PM – 1:15 PM Lunch

TENTATIVE PROGRAM & SESSION DESCRIPTIONS
(Session Topics and Speakers are Subject to Change)

MONDAY (continues on the next page)

TENTATIVE AGENDA MONDAY (continued)

1:15 PM – 2:15 PM CONCURRENT AFTERNOON SESSIONS (CHOOSE ONE):

Attorneys and Addiction (Ethics CLE)

Tragically, attorneys suffer from a significantly higher rate of addiction. Understandably worried that this disease may affect their professional licensure, many attorneys also feel that suffering in silence may be their only choice. In light of this, many state bars have developed mentorships, dedicated counseling lines, and a wide variety of rehabilitation programs for attorneys willing to seek help. In this session, ethics experts will discuss the warning signs of addiction, confidential programs available to assist struggling attorneys, and how to traverse this process should you or someone you know find themselves in need of help.

Moderator: Valerie Karasz, Partner, Buchman Law
Seth Guggenheim, Legal Ethics Counsel, Virginia State Bar
Katie Uston, Assistant Bar Counsel, Virginia State Bar
Kevin Martingayle, Co-Owner & Partner, Bischoff Martingayle

Effective Enforcement Trends

Despite the rapid expansion of online ordering and the craft industry, many state agencies have seen few increases in their budgets—with some even experiencing cuts in recent years. Because of this, many states have been forced to find methods of stream-lining their operations to ensure effective enforcement more efficiently. In this session, enforcement experts from various states will discuss laws which have proven effective in balancing deterrence with fairness; regulations which have aligned the interests of licensees with those of their community; and practices which have yielded positive results in a cost-effective manner.

Moderator: Aidan Moore, Former Chief of Enforcement, New Hampshire Liquor Commission
Kathie Durbin, Division Chief of Licensure, Regulation and Education, Division Chief of Licensure, Regulation and Education
Skyler Genest, Director of Compliance & Enforcement, Vermont Liquor Control
Tom Kirby, Chief Law Enforcement Office, Virginia ABC

2:30 PM – 3:30 PM CONCURRENT AFTERNOON SESSIONS (CHOOSE ONE):

Private Labels: From Bread to Bourbon

In a retail era increasingly defined by price competition, private labels have proven to be a reliable avenue for retailers hoping to improve margins. However, alcohol's unique legal status does not lend itself easily to this process due to various cross-tier prohibitions—including those related to beneficial ownership. In this session, regulatory experts will discuss the role exclusive contracts, intellectual property rights, and various other "private label" techniques play in the broader alcohol, regulatory framework while highlighting transferable lessons from other sectors.

Moderator: Buddy Buckner, Associate Counsel, NABCA
Art DeCelle, Counsel, McDermott, Will & Emery
CJ Rosenbaum, Founding Partner, Rosenbaum Famularo, P.C.

Control Models 101

While most of the American control models trace their origins to Rockefeller's seminal study, the divergent, legislative and legal evolutions have yielded a patchwork of systems with significant variations. In some states, the control model may seem more restrictive than license respects. However, in some license states the opposite is often the case. And, when contrasted with some international control models, the American systems seem far less cumbersome. In this session, regulatory experts will compare and contrast the foundational, legal features that define the license and control models—both in the United States and abroad.

Moderator: Steve Schmidt, SVP Public Policy & Communications, NABCA
Rod Diaz, Chief Counsel, Pennsylvania Liquor Control Board
John Yeomans, Chief, DE ABC
Neal Insley, General Counsel, NABCA

3:45 PM – 4:45 PM CONCURRENT AFTERNOON SESSIONS (CHOOSE ONE):

Common Consumption: Alcohol and Public Spaces

"Entertainment districts." "Common consumption areas." "Commercial lifestyle centers." Despite the various names, many states have passed legislation permitting open consumption in defined, public areas. In some states, these areas have been designed to facilitate tourism or economic development. However, questions such as who assumes liability for over-service remain. In this session, a panel of legal experts will discuss the interplay between these new licenses and traditional open container, public intoxication, and dram shop liability laws.

Moderator: David Caldwell, Senior Attorney, Mississippi Attorney General's Office
Renee Metz, Chief Counsel, North Carolina ABC
Margaret Murdock, Assistant City Attorney, City of Gulfport
Matt Saltzman, Shareholder, Kolesar & Leatham

Direct-to-Consumer Shipping: A Compliance Labyrinth

In a marketplace currently dominated by online commerce, many consumers are becoming more aware of the unique regulatory landscape alcohol presents. However, this awareness has also created tension with the increasing demand for near instantaneous delivery options. In response, many states have passed laws enabling some form of direct-to-consumer shipping—creating a patchwork of compliance requirements in the national marketplace. In this session, compliance experts will discuss best practices of large corporations. They will also highlight emerging technologies and proposed regulations designed to facilitate compliance in an ever-evolving regulatory environment.

Moderator: Jessica Pendergrass, General Counsel, Heaven Hill Distilleries
Bill Tomaszewski, General Counsel, Wine.com
Jake Hegeman, VP Legal and Regulatory Affairs, Wine & Spirits Wholesalers of America
Eric Gregory, President, Kentucky Distillers Association

4:45 PM – 5:00 PM First Day Closing Remarks and Announcements

5:00 PM Adjournment

6:00 PM – 7:00 PM Networking Reception

TENTATIVE AGENDA (continued)

TUESDAY MARCH 17

7:30 AM Continental Breakfast

8:15 AM – 9:15 AM Delivery: Licensees, Agents, and Third-Parties

With the emergence of same day delivery, several retailers have begun delivering alcohol—exacerbating many existing, legal questions. What constitutes a “sale”? Which entities must obtain an alcohol license? Who assumes liability for a sale to a minor? Does a delivery become a shipment if it crosses state lines or extends beyond a certain mileage? In this session, experts will discuss the many unanswered questions surrounding alcohol delivery while highlighting emerging trends states should consider when drafting their own delivery laws.

Moderator: Portia Bagby, Manager of Regulatory Affairs, Bowlero Corporation
John Bodnovich, Executive Director, American Beverage Licensees
Jaci Flug, VP of Legal, Regulatory & Industry Affairs, Drizly
Karl Anderson, Supervising AG - Civil Division, Wyoming Attorney General's Office

9:30 AM – 10:30 AM Regulatory Recalibration in Response to Thomas

While the Thomas case set a clear outer bound for durational residency requirements, it left for another day the wide array of residency and presence requirements found in other states. As Justice Alito stated, “each variation must be judged based on its own features.” However, the Court refused to articulate a clear test by which such variations will be judged. This ambiguity has forced many states to revisit their own licensing requirements with little guidance—necessarily slowing an already deliberative process. In this session, regulators and Legislative experts will discuss their state's regulatory response to Thomas and the process by which they came to these decisions.

Moderator: Russell Thomas, Executive Director, Tennessee ABC
Maria Everett, Chairwoman, Virginia ABC
Don McGehee, Division Chief, Alcohol & Gambling Enforcement, Michigan Department of Attorney General
Pamela Paziotopoulos, General Counsel, Illinois Liquor Control Commission

10:45 AM – 11:45 AM Cannabis Confusion

The 2018 Farm Bill's legalization of hemp set-off a firestorm of CBD products despite the lack of guidance or approval from the FDA. While cannabis remains a Schedule 1 controlled substance, many companies continue to develop CBD products—which, by definition, must contain less than .3% THC. However, some states have implemented higher limits, or different infusion rules, presenting pre-emption questions on a wide array of issues. These legal questions are further compounded by the 11 recreational, adult use cannabis markets and 34 medical cannabis markets. In this session, a panel of regulatory attorneys will discuss the interplay between current state and federal law; the contours of the federal agencies' authorities (FDA, TTB, ATF, etc); and the emerging issues states should address as they debate this policy issue.

Moderator: Tony Glover, Founding Partner, Glover Law
Rob Patridge, Government Transformation Leader, Deloitte Consulting
Christian Bax, President, Bax & Associates

11:45 AM - 12:00 PM Closing Remarks and Adjournment

Unable to attend in person? You can still participate via our LIVE WEBCAST.
Sessions can be accessed online and questions submitted in real time.

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